

Committee Room,
Austin, Texas, April 12, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 1, A bill to be entitled "An Act making appropriation to pay the per diem and mileage of members and per diem pay of officers and employees of the Second Called Session of the Thirty-first Legislature of the State of Texas, convened April 12, 1909, by proclamation of the Governor,"

And find the same correctly engrossed.

HAYTER, Acting Chairman.

Committee Room,
Austin, Texas, April 12, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 2, A bill to be entitled "An Act making appropriation to defray the contingent expense of the Second Called Session of the Thirty-first Legislature of the State of Texas, convened on April 12, 1909, by proclamation of the Governor,"

And find the same correctly engrossed.

HAYTER, Acting Chairman.

PETITIONS AND MEMORIALS.

By Senator Perkins:

Telegram.

McKinney, Texas, April 12, 1909.

Hon. Tom W. Perkins, Senator, Austin, Texas:

Congratulations upon your bold stand for the freedom of the people against the office-hunting politicians.

Signed—Sims, Fant, Kirkpatrick, Graham, Anderson, White, Goodner, Warden, White, Newsome, Crouch, Heard, Lovejoy, Smith, Burrus.

SECOND DAY.

Senate Chamber,
Austin, Texas,

Thursday, April 15, 1909.

Senate met pursuant to adjournment, Lieutenant Governor A. B. Davidson presiding.

The roll was called, no quorum pres-

ent, the following answering to their names:

Adams.	Meachum.
Alexander.	Murray.
Brachfield.	Paulus.
Cofer.	Peeler.
Greer.	Stokes.
Hayter.	Terrell of Bowie.
Holsey.	Thomas.
Hudspeth.	Veale.
Kellie.	Ward.
Masterson.	Watson.

Absent.

Bryan.	Senter.
Harper.	Sturgeon.
Hume.	Terrell of McLennan.
Mayfield.	Weinert.
Perkins.	Willacy.
Real.	

There being no quorum present, Senator Hudspeth moved that the Senate stand at ease for fifteen minutes, and

Senator Cofer moved that the Senate recess until 11:15 o'clock today.

Senator Watson moved that the Senate adjourn until tomorrow morning at 10 o'clock.

Action being on the longest time first, the motion to adjourn until tomorrow morning at 10 o'clock was lost by the following vote:

Yeas—4.

Adams.	Kellie.
Hudspeth.	Watson.

Nays—16.

Alexander.	Murray.
Brachfield.	Paulus.
Cofer.	Peeler.
Greer.	Stokes.
Hayter.	Terrell of Bowie.
Holsey.	Thomas.
Masterson.	Veale.
Meachum.	Ward.

Absent.

Bryan.	Senter.
Harper.	Sturgeon.
Hume.	Terrell of McLennan.
Mayfield.	Weinert.
Perkins.	Willacy.
Real.	

The motion to recess until 11:15 o'clock was then adopted.

AFTER RECESS.

The Senate was called to order by Lieutenant Governor Davidson.

There being no quorum present when the Senate recessed, the roll was called, a quorum being present, the following Senators answering to their names:

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Cofer.	Stokes.
Greer.	Terrell of Bowie.
Hayter.	Thomas.
Holsey.	Veale.
Hudspeth.	Ward.
Kellie.	Watson.
Masterson.	Weinert.
Meachum.	

Absent.

Bryan.	Real.
Harper.	Senter.
Hume.	Sturgeon.
Mayfield.	Terrell of McLennan.
Perkins.	Willacy.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Cofer, the same was dispensed with.

EXCUSED.

On account of important business:

Senator Perkins for all this week, on motion of Senator Hudspeth.

Senator Harper for all this week, on motion of Senator Brachfield.

Senator Real for all this week, on motion of Senator Masterson.

Morning call concluded.

FIRST HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, April 15, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

Senate bill No. 1, A bill to be entitled "An Act making appropriation to pay the per diem and mileage of members and per diem pay of officers and employes of the Second Called Session of the Thirty-first Legislature of the State of Texas, convened April 12, 1909, by proclamation of the Governor," with amendments.

Senate bill No. 2, A bill to be entitled "An Act making appropriation to defray the contingent expenses of the Second Called Session of the Thirty-first Legislature of the State of Texas, con-

vened April 12, 1909, by proclamation of the Governor."

Also House Concurrent Resolution No. 1, relating to the use of Roman numerals.

Also House Concurrent Resolution No. 2, relating to the printing of the laws passed by the Thirty-first Legislature.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

RESOLUTIONS READ AND REFERRED.

The Chair (Lieutenant Governor Davidson) had referred, after their captions had been read, the following resolutions:

House Concurrent Resolution No. 1, referred to Committee on Rules.

House Concurrent Resolution No. 2, referred to Committee on Public Printing.

SENATE BILL NO. 1—HOUSE AMENDMENTS CONCURRED IN.

Senator Weinert called up

Senate bill No. 1, A bill to be entitled "An Act making appropriation to pay the per diem and mileage of members and per diem pay of officers and employes of the Second Called Session of the Thirty-first Legislature of the State of Texas, convened April 12, 1909, by proclamation of the Governor,"

And moved that the Senate concur in the following House amendment:

Amend Section 1 by striking out "thirty-three thousand dollars," and insert in lieu "thirty-seven thousand dollars."

The motion to concur prevailed by the following vote:

Yeas—21.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Cofer.	Stokes.
Greer.	Terrell of Bowie.
Hayter.	Thomas.
Holsey.	Veale.
Hudspeth.	Ward.
Kellie.	Watson.
Masterson.	Weinert.
Meachum.	

Absent.

Bryan.	Mayfield.
Hume.	Real.

Senter. Terrell of McLennan.
Sturgeon. Willacy.

Absent—Excused.

Harper. Perkins.

RECESS.

On motion of Senator Veale, the Senate recessed until 3 o'clock today.

AFTER RECESS.

The Senate was called to order by Lieutenant Governor Davidson.

EXECUTIVE MESSAGE.

The following message from the Governor was received and read:

Executive Office,
State of Texas.

Austin, Texas, April 15, 1909.

To the Senate and House of Representatives:

By virtue of authority vested in me by Section 40, Article 3 of the Constitution of the State of Texas, I hereby designate and present to you for your consideration and for legislation the following subjects:

1. Effective legislation for the reimbursement of the permanent county school fund of counties in which the same has been impaired or wasted, and for the complete rehabilitation, protection and preservation of such county permanent school fund.

2. Legislation creating the Irving Independent School District in Dallas county; the Stamford Independent School District in Jones county; the Myra Independent School District in Cooke county; amendments of the law creating the Amarillo Independent School District in Potter county; amendments of the act creating the Quanah Independent School District in Hardeman county; legislation creating an Independent School District to be known as the Corpus Christi Independent School District in Nueces county. The laws affecting independent school districts here suggested to define the boundaries, and to provide for the election of boards of trustees to manage and control the public free schools in said districts; investing the said districts

and the trustees with appropriate and necessary rights, powers, privileges and duties.

3. Appropriate legislation incorporating or permitting the city of Amarillo to incorporate under a special charter.

4. Legislation transferring the balances now to the credit of the pure food fund, quarantine fee fund and the Tyler city subsidy bond act, into the general revenues of the State.

5. Legislation amending Subdivision 6, Section 8, Article 2, Chapter 71 of the local and special laws of Texas, enacted by the Regular Session of the Thirtieth Legislature, entitled an act to grant a new charter to the city of Dallas, Dallas county, Texas, so as to provide that in the event any street railway in said city of Dallas, Dallas county, Texas, shall hereafter build new lines or street railways or extend its lines or railways therein, said subdivision shall not be construed to require the payment of the gross receipt tax upon receipts arising from the operation of that part of its mileage which was constructed and in operation before the passage of said act of the Thirtieth Legislature of the State of Texas.

6. Legislation amending Section 61 of an act passed by the Twenty-ninth Legislature of the State of Texas, entitled an act to incorporate the city of Cleburne in Johnson county, Texas; and to fix the boundaries thereof, and to provide for its government and the management of its affairs, the same being Chapter 47 of the Special Laws of Texas of 1905; said amendment to relate to the powers and duties of the city council of said city with respect to streets and alleys.

7. An appropriate law creating a commission, to be known as the Tuberculosis Commission, for the purpose of investigating the facts and conditions pertaining to the origin, introduction, spread, treatment, prevention, extent and control of pulmonary tuberculosis in the State of Texas; prescribing the powers and duties of said commission; providing for their compensation, all with a view of gathering information and the formulation of an effective and practicable plan for dealing with this important subject by the next of succeeding Legislatures.

8. To enact laws upon the subject of constructing, maintaining and operating of electric interurban and urban railways; giving such railways the power of eminent domain and providing for the regulation thereof.

9. Legislation requiring railroad companies to provide appropriate and suitable passenger and freight depot buildings at their several stations and requiring them to keep passenger depots lighted and warmed for the comfort and accommodation of the traveling public and giving the Railroad Commission power to require compliance with such laws as may be enacted.

10. Legislation amending Sections 122, 123 and 124 of Chapter 124 of the Acts of the Regular Session of the Twenty-ninth Legislature, relating to teachers' certificates.

11. Legislation providing for the completion and extension by the Board of Penitentiary Commissioners of the railroad now owned by the State of Texas extending from the Rusk penitentiary; for its maintenance, equipment and operation; providing for condemnation of right-of-way or material therefor, and for condemnation proceedings; providing for the issuance of bonds, by the Board of Penitentiary Commissioners and for the use of a portion of said bonds necessary to redeem bonds issued under and by virtue of Chapter 74 of the Acts of the Thirtieth Legislature; and to provide a lien upon said State Railroad and its extensions and equipment and for the method of redemption of said bonds; and to provide for authority of said board to accept gifts or donations, to aid in the construction and extension of said railroad; providing for the purchase of said bonds by the Board of Education out of the permanent school fund; and providing for the extension of said railroad to a connection with other lines and for the issuance of bonds upon such road and all extensions that may be made from any point on said road.

12. Amending the city charter of the city of Texarkana.

13. Legislation that may be needed changing and readjusting the terms of the district courts of the State to facilitate the trial of cases and a more expeditious enforcement of the law.

14. Legislation for the enforcement of the game laws of the State for the protection of game and providing licenses and suitable fees therefor. A law upon this subject was enacted at the Regular Session which was vetoed on account of errors, defects and inaccuracies vitiating the same.

T. M. CAMPBELL,
Governor of Texas.

BILLS AND RESOLUTIONS.

(By Unanimous Consent.)

By Senator Willacy:

Senate bill No. 5, A bill to be entitled "An Act making appropriations for the deficiencies in the appropriations heretofore made for the support of the State Government for the fiscal years ending August 31, 1905; August 31, 1906; August 31, 1907; August 31, 1908, and August 31, 1909, and to pay deficiencies such as may occur and be approved by the Governor during the fiscal years ending August 31, 1909; August 31, 1910, and August 31, 1911, being for claims registered in the Comptroller's office in accordance with laws, and for outstanding claims not registered, and declaring an emergency."

Read first time, and referred to Committee on Finance.

By Senator Cofer:

Senate bill No. 6, A bill to be entitled "An Act to authorize and permit the territory situated within the bounds of the town of Myra in the county of Cooke and State of Texas, and other lands and territory adjacent thereto, to incorporate as an independent school district, for free school purposes only, to be known as the Myra Independent School and duties of independent school districts formed by incorporation of towns and villages for free school purposes only, and declaring an emergency."

Read first time, and referred to Committee on Educational Affairs.

By Senator Willacy:

Senate bill No. 7, A bill to be entitled "An Act transferring the balances now to the credit, and future sums which may accrue, of the pure food fund, quarantine fees fund, Galveston station, and the Tyler city subsidy bond account into the general revenue of the State, and declaring an emergency."

Read first time, and referred to Committee on Finance.

By Senator Ward:

Senate bill No. 8, A bill to be entitled "An Act to amend Section 61 of an act passed by the Legislature of the State of Texas, in April, 1905, entitled 'An Act to incorporate the city of Cleburne in Johnson county, Texas, and to fix the boundaries thereof, and to provide for its government and the management of its affairs,' same being Chapter 47 of the Special Laws of Texas of 1905, so as to authorize the city council to

vacate and close streets and alleys and to cede the same or any part thereof, and declaring an emergency."

Read first time, and referred to Committee on Towns and City Corporations.

By Senator Willacy:

Senate bill No. 9, A bill to be entitled "An Act creating an independent school district, to be known as the Corpus Christi Independent School District, including within its limits the municipal corporation of the city of Corpus Christi, and to provide for the creation of a board of trustees thereof, and authorizing the board of trustees to levy, assess and collect special taxes, and conferring upon the board of trustees plenary powers and authority to issue bonds for the purpose of purchasing school sites and erecting, furnishing and equipping school buildings within the same, and to pay current expenses in the maintenance and support of said schools, and further prescribing the duties and authority of said board, and declaring an emergency."

Read first time, and referred to Committee on Educational Affairs.

By Senator Veale:

Senate bill No. 10, A bill to be entitled "An Act to incorporate the Amarillo Independent School District, to provide for the election of trustees, the issuance of bonds, the repeal of the original independent school district for Amarillo, and creating an emergency."

Read first time, and referred to Committee on Educational Affairs.

By Senator Veale:

Senate bill No. 11, A bill to be entitled "An Act to grant a charter to the city of Amarillo, Potter county, Texas, repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

Read first time, and referred to Committee on Towns and City Corporations.

By Senator Hudspeth:

Senate bill No. 12, A bill to be entitled "An Act to amend Sections 4, 8 and 10, and to repeal Section 9 of Chapter 137 of the General Laws of the Thirtieth Legislature, page 254, entitled 'An Act changing the official title of the State Fish and Oyster Commissioner to Game, Fish and Oyster Commissioner; providing for his salary and fixing his additional powers and duties; providing for a hunting license for nonresident hunters; providing that funds, received from the sale of hunting licenses and fines

received from prosecutions for a violation of the game and bird laws shall be used only for the protection and propagation of birds and game; and all the salaries and expenses provided by this act; and providing for the enforcement of the game and bird laws of this State, and providing penalties for the violation thereof,' prescribing duties of the Game, Fish and Oyster Commissioner and his deputies; providing for collection and disposition of fines and license fees; prohibiting hunting without license; providing that county clerks shall issue hunting licenses; providing fees, requiring reports and establishing duties of commissioners, clerks and Comptroller."

Read first time, and referred to Judiciary Committee No. 2.

BILLS SIGNED.

The Chair (Lieutenant Governor Davidson) gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

Senate bill No. 1, "An Act making appropriation to pay the per diem and mileage of members and per diem pay of officers and employes of the Second Called Session of the Thirty-first Legislature of the State of Texas, convened April 12, 1909, by proclamation of the Governor."

Senate bill No. 2, "An Act making appropriation to defray the contingent expense of the Second Called Session of the Thirty-first Legislature of the State of Texas, convened on April 12, 1909, by proclamation of the Governor."

ADJOURNMENT.

On motion of Senator Peeler, the Senate, at 3:35 o'clock, adjourned until 10 o'clock tomorrow morning.

APPENDIX.

COMMITTEE REPORTS.

(Floor Report.)

Austin, Texas, April 15, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred

Senate bill No. 8, A bill to be entitled "An Act to amend Section 61 of an act passed by the Legislature of the State of Texas, in April, 1905, entitled 'An Act to incorporate the city of Cleburne, in Johnson county, Texas, and to fix the boundaries thereof, and to provide for its government and the management of its affairs,' same being Chapter 47 of the Special Laws of Texas of 1905, so as to authorize the city council to vacate and close streets and alleys and to cede the same, or any part thereof, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Cofer, Acting Chairman; Alexander, Masterson, Holsey, Peeler, Willacy.

(Floor Report.)

Austin, Texas, April 15, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

Senate bill No. 6, A bill to be entitled "An Act to authorize and permit the territory situated within the bounds of the town of Myra, in the county of Cooke, and State of Texas, and other lands and territory adjacent thereto, to incorporate as an independent school district, for free school purposes only, to be known as the Myra Independent School District, with all the powers, rights and duties of independent school districts formed by incorporation of towns and villages for free school purposes only, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Alexander, Chairman; Willacy, Veale, Brachfield, Weinert, Meachum.

Committee Room,

Austin, Texas, April 15, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 1, "An Act making appropriation to pay the per diem pay and mileage of members and per diem pay of officers and employees of the Second Called Session of the Thirty-first Legislature of the State of Texas, convened April 12, 1909, by proclamation of the Governor,"

And find it correctly enrolled, and have this day, at 2:45 o'clock p. m., presented same to the Governor for his approval.

MASTERSON, Acting Chairman.

Committee Room,

Austin, Texas, April 15, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 2, "An Act making appropriation to defray the contingent expense of the Second Called Session of the Thirty-first Legislature of the State of Texas, convened on April 12, 1909, by proclamation of the Governor,"

And find it correctly enrolled, and have this day, at 2:45 o'clock p. m., presented same to the Governor for his approval.

MASTERSON, Acting Chairman.

PETITIONS AND MEMORIALS.

The Chair had the following read to the Senate:

Waxahachie, Texas, April 13, 1909.

Hon. A. B. Davidson, President of the Senate, Austin, Texas:

We, your petitioners, respectfully represent that we are citizens of Ellis county, and of political faith, Democrats, and are farmers and business men. As such citizens we wish to enter our protest against the passage of any bill which has for its object the guaranteeing of deposits, in banks, by forcing such banks into a co-partnership, against their will, with other banks for the sole purpose of forcing the solvent and well managed bank to pay the losses of the ill managed and insolvent banks. Such a law would be manifestly unjust, socialistic, and out of harmony with what we regard as true democracy. Such a measure, if passed, would result in a great injury to our entire peoples.

Trusting that political passion and prejudice may be abandoned, and that reason may reign in the consideration of this vital question, we subscribe ourselves,

Numerously signed.

By Senator Paulus:

Shiner, Texas, April 14, 1909.

Hon. D. A. Paulus, Austin, Texas.

Dear Sir: This community is watching with unusual interest the proceed-

ings of the Thirty-first, and is in favor of fewer and better laws. We do not believe that a lawmaking body is for the purpose of promoting the interests of a few politicians who are playing before the galleries under the pretense of carrying out platform demands, declared to be such by politicians. We are unreservedly in sympathy with the brave and manly stand the majority of the Senate has taken against coercion and rebuke, believing that they have been subservient to the best interests of the people, and forming a wholesome bar against vicious and spurious legislation. Very respectfully yours,

CHAS. WILHAUSEN.

And many others.

N. B.—Charles Wilhausen was a pioneer settler of Austin county, Texas, and served four years as a brave Confederate soldier, rising to rank of captain.

By Senator Kellie:

Eagle Pass, Texas, April 5, 1909.

To the Honorable Adjutant General,
Austin, Texas.

Dear Sir: From current reports it would seem that the Legislature has under consideration the advisability of increasing the appropriation for the maintenance of the State Rangers, which is very much desired, especially by the people who have interests on this frontier.

I have devoted more than a quarter of a century to the government service on this Mexican border; have co-operated with all branches of the government service, and when I say that no set of officers have done so much in the civilization of this country than the State Rangers, I am making a statement that will be borne out by facts and by the testimony of all men who are familiar with conditions throughout South and West Texas, and I sincerely hope that the Legislature may see conditions as they are and afford the protection that is so much needed along this border by an appropriation of a sufficient amount to increase the number of the Rangers in the State and to give them better pay.

I have about 650 miles of the unsettled portion of Texas, extending from the El Paso county line almost to Laredo, which is patrolled by customs mounted inspectors. These officers are paid \$3.00 per diem and allowed \$1.00 per diem additional for horse feed, and knowing, as I do, the kind of work that is required of State Rangers and the

good accomplished by them, I cannot too strongly endorse their efforts.

The Rangers in Mexico are a terror to evildoers and the lawless Mexican element along the American side of the Rio Grande have more respect for the State Rangers than any other class of officials, and the moral effect of their presence is of more benefit than ninety-ninths of the Legislature have any idea. It is only people who have gone through the mill, as I have for twenty-five years in this section, that can fully appreciate their work. Yours very truly,

R. W. DOWE,
Collector of Customs.

By Senator Holsey:

Fort Worth, Texas.

Be it resolved by the board of commissioners of the city of Fort Worth, That the arduous, loyal and unselfish service of the local military companies of the city of Fort Worth in preserving peace and good order and in protecting life and property in the city of Fort Worth during the progress of the great fire and at its conclusion, elicits the admiration and praise of all people; and therefore be it further

Resolved, That the grateful thanks and appreciation of said city be extended to said militia and to General Luther R. Hare who came to Fort Worth to be present in person and aid the militia, and to Major C. O. Elliott for service performed on the same occasion.

Commissioner Mulkey moved the adoption of the resolution; the motion was carried, and the resolution was unanimously adopted.

I, W. J. Estes, city secretary of the city of Fort Worth, do hereby certify that the above and foregoing is a true and correct copy of a resolution which was duly presented and unanimously passed by the board of commissioners of the city of Fort Worth at a session held Tuesday, April 6, 1909.

Witness my hand and seal of the city of Fort Worth, this, the 8th day of April, 1909.

W. J. ESTES,
City Secretary.

THIRD DAY.

Senate Chamber,
Austin, Texas,

Friday, April 16, 1909.

Senate met pursuant to adjournment, President Pro Tem. Murray presiding. The roll was called, a quorum being